

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

XPERTUNIVERSE, INC.,)
)
Plaintiff and Counterdefendant,)
)
)
) C.A. No. 09-157 (RGA)
)
CISCO SYSTEMS, INC.,)
)
)
Defendant and Counterplaintiff.)

**DEFENDANT AND COUNTERPLAINTIFF CISCO SYSTEMS, INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT NO. 1 RELATING TO PLAINTIFF
XPERTUNIVERSE, INC.'S CLAIM FOR COMMON LAW FRAUD (COUNT III);
DECEIT UNDER CALIFORNIA CIVIL CODE §§ 1709, 1710 (COUNT IV); AND
RESCISSION (COUNT XII)**

Defendant and counterplaintiff Cisco Systems, Inc. ("Cisco") respectfully moves for summary judgment with respect to Count III (common law fraud claim), Count IV (Deceit Under California Civil Code §§ 1709, 1710), and Count XII (Rescission Under California Civil Code §§ 1565-1590, 1688-1693) of Plaintiff XpertUniverse, Inc.'s Fourth Amended Complaint.

The grounds for this motion are set forth in Cisco's Opening Brief, submitted herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)
Jennifer Ying (#5550)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
jying@mnat.com

*Attorneys for Defendant/Counterplaintiff
Cisco Systems, Inc.*

OF COUNSEL:

MORGAN, LEWIS & BOCKIUS LLP

Kell M. Damsgaard
1701 Market Street
Philadelphia, PA 19103
(215) 963-5000

Franklin Brockway Gowdy
Brett M. Schuman
One Market Street, Spear Street Tower
San Francisco, CA 94105
(415) 442-1000

October 31, 2012
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CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2012, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on October 31, 2012, upon the following in the manner indicated:

Philip A. Rovner, Esquire
Jonathan Choa, Esquire
POTTER ANDERSON & CORROON LLP
Hercules Plaza
1313 North Market Street
Wilmington, DE 19801

VIA ELECTRONIC MAIL

Joseph Diamante, Esquire
Charles E. Cantine, Esquire
Jason Sobel, Esquire
Alex Solo, Esquire
STROOCK & STROOCK & LAVAN LLP
180 Maiden Lane
New York, NY 10038

VIA ELECTRONIC MAIL

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)